

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WAYNE BALIGA,

Plaintiff,

- against -

LINK MOTION INC., et al.

Defendants.

18 Civ. 11642 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

On January 18, 2023, Defendant Vincent Wenyong Shi ("Shi") responded, with accompanying declarations, to the Court's Order to Show Cause (Dkt. No. 386) why the Court should not grant the request made by the court-appointed receiver, Robert W. Seiden ("Receiver"), to have Shi held personally liable for funding the Receivership Account. (See Dkt. Nos. 387-89.) The issue was brought to the Court's attention in two letters from the Receiver dated January 9, 2023 (Dkt. No. 382) and January 12, 2023 (Dkt. No. 385). In those letters, the Receiver represented that it received an invoice from LKM's registered agent in the Cayman Islands, that the Receiver has no funds to pay the invoice for the annual fee to the Cayman Islands Registrar to maintain Link Motion Inc.'s ("LKM") corporate good standing, that LKM has no funds to transfer to the Receiver to pay the invoice, and that if the invoice was not paid by January 31, 2023, LKM

could be struck from the Cayman Islands' register, rendering it defunct.

Having reviewed Shi's response and the mechanics of Cayman Islands law on this issue, the Court is persuaded that LKM is in no immediate jeopardy of being struck from the register. The Receiver is directed to advise the Court if it receives notice from the Cayman Islands Registrar under Section 171 of the Cayman Islands Companies Act. (See Dkt. No. 388-1 at 19.)

The Receiver's veil piercing claims are raised and will be addressed in the context of the Receiver's accounting, which has previously been referred to, and is pending before, Magistrate Judge Figueredo. (See Dkt. No. 362.) Accordingly, the Court will enter an amended order referring the issues brought to the Court's attention by the Receiver's letters (Dkt. Nos. 382, 385) and Shi's response (Dkt. No. 389) to Judge Figueredo to be addressed concurrently with the Receiver's accounting.

SO ORDERED.

Dated: 20 January 2023
New York, New York

A handwritten signature in blue ink, appearing to read 'Victor Marrero', is written over a horizontal line.

Victor Marrero
U.S.D.J.